

Case # 40-2023  
Date Filed: 18 October 2023

DECISION OF THE ZONING BOARD OF APPEALS  
ON THE REQUEST FOR A SPECIAL PERMIT

Applicants/Owners: Richard P. & Janet E. Ginnetti  
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At a meeting held remotely via Zoom on Wednesday, 8 November 2023, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 10.1 G of the zoning bylaw to permit the construction of a 12 x 14 ADA compliant bedroom over an existing deck. The property is located on a preexisting, nonconforming .29 acre lot at 54 Twelfth Street South (Assessor's Map 11B Lot 128) in the R-20 Residential District. The application was accompanied by a site plan, elevations, and floor plans drawn by Mr. Ginnetti. [For details of the hearing, please see the Record of Proceedings filed with this document in the office of the Town Clerk and on the town's website.]

FINDINGS:

1. The lot is a preexisting, nonconforming .29 acre lot. A conforming lot in the R-20 Residential District is half an acre. The only nonconformity is the size of the lot, which is located in a neighborhood of varying sized lots, many of which are nonconforming and similarly developed.
2. The proposed ADA compliant bedroom meets all R-20 setbacks and height restrictions.
3. The applicants have agreed to decommission an existing bedroom by enlarging the opening to 6-feet 6-inches as per Board of Health requirements. There will be no net increase in the number of bedrooms on the lot, which will remain at three.
4. There were no objections to the project from any town boards or departments or from any abutters. One abutter spoke in favor of the project.
5. The board found the proposal to be site appropriate and in harmony with the general purpose and intent of the bylaw. The board further determined that the project would not result in a substantial intensification of use or have a negative effect on the neighborhood.

No additional conditions were placed on the special permit.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 40-2023.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 9 November 2023. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

\_\_\_\_\_2023

I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: \_\_\_\_\_